

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

KAMARIO SMITH,

Case No. 2:18-cv-01692-APG-VCF

Plaintiff,

ORDER

v.

JAMES DZURENDA, et al.,

Defendants.

This action began as a civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner, Karmario Smith. After Kamario Smith passed away, his mother, Linda Smith, filed a motion for substitution, which the Court granted. (ECF No. 14.) Linda Smith paid the full filing fee in this matter. (ECF No. 18.) The Court stayed this action so that the parties could engage in settlement discussions. (ECF No. 14.) The Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 22.) The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 24.)

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of the complaint (ECF No. 4) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to the findings of the screening order (ECF No. 3), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Linda Smith of: (a) the names of the defendants for whom

1 it accepts service; (b) the names of the defendants for whom it does not accept service,
2 and (c) the names of the defendants for whom it is filing the last-known-address
3 information under seal. As to any of the named defendants for whom the Attorney
4 General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve
5 Linda Smith or Kamario Smith the last known address(es) of those defendant(s) for whom
6 it has such information. If the last known address of the defendant(s) is a post office box,
7 the Attorney General's Office shall attempt to obtain and provide the last known physical
8 address(es).

9 4. If service cannot be accepted for any of the named defendant(s), Linda
10 Smith shall file a motion identifying the unserved defendant(s), requesting issuance of a
11 summons, and specifying a full name and address for the defendant(s). For the
12 defendant(s) as to which the Attorney General has not provided last-known-address
13 information, Linda Smith shall provide the full name and address for the defendant(s).

14 5. If the Attorney General accepts service of process for any named
15 defendant(s), such defendant(s) shall file and serve an answer or other response to the
16 complaint within **sixty (60) days** from the date of this order.

17 6. Linda Smith shall serve upon defendant(s) or, if an appearance has been
18 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
19 document submitted for consideration by the Court. If Linda Smith electronically files a
20 document with the Court's electronic-filing system, no certificate of service is required.
21 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Linda
22 Smith mails the document to the Court, she shall include with the original document
23 submitted for filing a certificate stating the date that a true and correct copy of the
24 document was mailed to the defendants or counsel for the defendants. If counsel has
25 entered a notice of appearance, Linda Smith shall direct service to the individual attorney
26 named in the notice of appearance, at the physical or electronic address stated therein.
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1 The Court may disregard any document received by a district judge or magistrate judge
2 which has not been filed with the Clerk, and any document received by a district judge,
3 magistrate judge, or the Clerk which fails to include a certificate showing proper service
4 when required.

5 7. This case is no longer stayed.

6
7 DATED THIS 24th day of September 2020.

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9 UNITED STATES MAGISTRATE JUDGE